



Cañon Plaza MDWCA Project



Decision Memo

Cañon Plaza Mutual Domestic Water Consumer Association (MDWCA) Project

U.S. Forest Service

El Rito Ranger District, Carson National Forest

Rio Arriba County, New Mexico

This decision incorporates all information in this document and included in the project file.

Decision

I have decided to authorize the activities described in the “Proposed Action” section, including any modifications that resulted from environmental analysis and review of regulatory compliance.

Applicable Categorical Exclusion and Findings Required by Other Laws

The “Applicable Categories” section identifies the appropriate category/categories for this action, and provides rationale for categorically excluding this action from documentation in an environmental assessment (EA) or environmental impact statement (EIS) and for using the identified category/categories. The “Environmental Analysis” section documents rationale to support my finding that no extraordinary circumstances exist, along with findings required by other applicable laws and regulations to demonstrate compliance with the regulatory framework for the activities authorized by this decision.

Agencies, Organizations and Persons Contacted

The Carson National Forest listed this project within its public website on August 13, 2021.

Implementation Date

I intend to implement the decision immediately.

Administrative Review

Decisions that are categorically excluded from documentation in an environmental assessment or environmental impact statement are not subject to an administrative review process (Agriculture Act of 2014 [Pub. L. No. 113-79], Subtitle A, Sec. 8006).

Contact

Raul Hurtado, Lands Specialist, 208 Cruz Alta Road, Taos, NM, 87571, raul.e.hurtado@usda.gov, (575) 758- 6344.

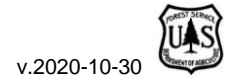
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James Duran

Forest Supervisor



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Categorical Exclusion Review

Project Information

Proposal Name: Cañon Plaza Mutual Domestic Water Consumer Association

Proposal Date: 2/26/2021

Project Contact: Raul Hurtado

Responsible Official: James Duran, Forest Supervisor

Unit: Carson National Forest

Ranger District: El Rito Ranger District

Counties: Rio Arriba County

State: New Mexico

Anticipated Implementation: Summer 2021

Signing Authority: Forest Supervisor

Public web link: [Forest Service \(usda.gov\)](https://www.usda.gov/forest-service)

General Location: Cañon Plaza, NM;

Applicable Management Areas: Ponderosa Pine

Legal Description: Township 27N, Range 7E, Section 24

Elevation Range: 7835

Watersheds: Cañada Alamosa-Rio Vallecitos (130201021402)

Applicable Categories

This proposal is categorically excluded from documentation in an environmental assessment or environmental impact statement because it fits the following category or categories, pending extraordinary circumstance determinations:

Applicable Category or Categories:

36 CFR 220.6(e)(3) (DM Required)

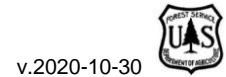
This category is / categories are applicable for this project because this project is consistent with the category identified 36 CFR 220.6(e)(3), "Approval, modification, or continuation of special uses that require less than 20 acres of NFS lands." Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within a category listed in 36 CFR 222.6 (d) or (e), and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effects.

Proposed Action

The purpose of this project is to provide a Special Use Permit to the Cañon Plaza Mutual Domestic Water Consumer Association (MDWCA) for a waterline that serves the community. The project would permit



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and allow continued presence of a waterline, currently on the landscape, that runs across National Forest System Lands for less than 1 mile. The waterline connects a well present on private land to storage tank present on private land. The permit would also allow for continued use of existing waterlines tied into the water system to private landowners and would allow for future connections. Future connections would require further coordination with USFS archaeologist to ensure disturbance to any archaeological resources is avoided.

This project is planned to be completed in the summer of 2021.

Design Elements

The following design elements are incorporated into the proposed action to ensure land management plan compliance:

No specific design elements were identified for this project.

Table 1. Design elements

Design Element Label	Design Element Description	Plan Component
N/A		

Project Maps

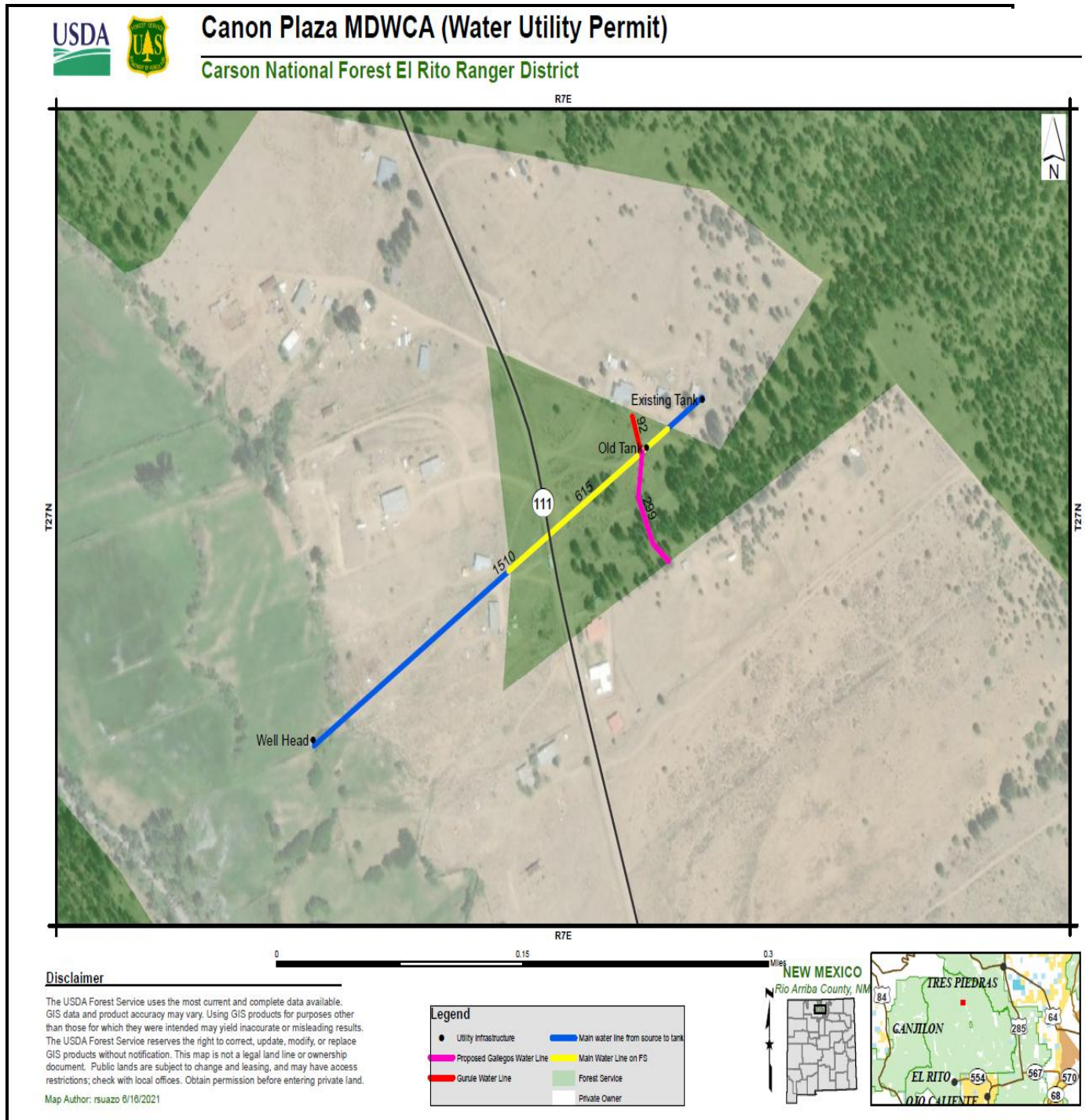


Figure 1. Project location map for the Cañon Plaza MDWCA Project.



Figure 2. Photo of the project area.

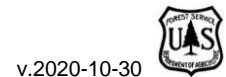
Environmental Analysis

National Forest Management Act (NFMA) - Land Management Plan Consistency

The pertinent specialists have reviewed the proposal, incorporating specific Design Elements listed above to ensure consistency with applicable land management plan direction. The following summarizes the analysis and conclusions supporting plan consistency.



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Botany: Project will not impact any special botanical areas and or species.

Cultural/Heritage: The area was previously surveyed in 2001 as part of a separate Special Use Permit to access a private land in-holding. No cultural or historical sites were identified at the time. Because the area was previously surveyed, and the use proposed by this project will not exceed the bounds of the previous survey no impacts to cultural or heritage sites are anticipated. Future connections would require further coordination with USFS archaeologist to ensure disturbance to any archaeological resources is avoided.

Engineering: N/A, the MDWCA must adhere to State of New Mexico Regulations for the water system as well as acquire appropriate permits such as Section 404 permits, through the Corps of Engineers, as necessary to comply with the Clean Water Act.

Fisheries: N/A, not present within the project area.

Fuels: Project will not impact fuels within the project area.

Hydrology: This project does not occur within a floodplain or wetland.

Lands and Special Uses: The project will continue to allow the use of the existing community water infrastructure and for future use.

Minerals: N/A mineral rights and leases do not occur within the project area.

Range: Project will not impact range resources within the project area.

Recreation: N/A, project area will not alter or impact recreational opportunities.

Scenic Resources: N/A, project area is within a previously disturbed site. The project will not alter scenery resources in the area.

Soils: N/A, project area is within previously disturbed site.

Silviculture: N/A project will not impact vegetation stands.

Special Management Areas: N/A special management areas do not occur within the project area.

Wildlife: There will be no effect to any federally threatened, endangered, or proposed species. The proposed activities would not affect any Sensitive Species. The proposed action will not affect habitat or population trends for Carson National Forest Management Indicator Species or any migratory bird species.

Other Resources: N/A

Other Law, Regulation and Policy Consistency

The following laws, regulations, or policies pertinent to this project include:

Clean Air Act

The Clean Water Act is not necessary to consider based on the nature of the project. This project proposal will not impact air quality above state regulations.

Clean Water Act

The Canon Plaza MDWCA must adhere to State of New Mexico Regulations for the water system as well as seek and obtain appropriate Section 404 permits, through the Corps of Engineers, as necessary.



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Supporting Project Documentation

Table 2. Applicable project file documentation to support Clean Water Act compliance

Supporting Documentation	File Name(s) / Link
N/A	

Endangered Species Act - Threatened, Endangered, Proposed and Candidate Species and Critical Habitat

The following describes the Threatened, Endangered, Proposed and Candidate Species and Critical Habitats analyzed for this project and their respective determinations:

Species with a Determination of No Effect:

The following species do not occur within or near the project area, and do not have critical habitats within or near the project area:

Black-footed ferret, Southwestern willow flycatcher, Mexican spotted owl, Western yellow-billed cuckoo, Canada lynx, and New Mexico meadow jumping mouse.

Species with a Determination of May Affect, Not Likely to Adversely Affect:

N/A

Species with a Determination of May Affect, Likely to Adversely Affect:

N/A

Species with a Determination of No Jeopardy:

N/A

Supporting Project Documentation

Table 3. Applicable project file documentation to support Endangered Species Act compliance

Supporting Documentation	File Name(s) / Link
Carson National Forest Threatened, Endangered, Proposed, Candidate and Sensitive Species and Critical Habitats	CARSON NATIONAL FOREST (usda.gov)
Wildlife Documentation	116450_FSPLT3_5659210.pdf (usda.gov)

Sensitive Species (FSM 2670)

The following describes the Forest Sensitive Species analyzed for this project and their respective determinations:

Species with a Determination of No Impact:

boreal toad, northern leopard frog, bald eagle, northern goshawk, American peregrine falcon, white-tailed ptarmigan, western burrowing owl, boreal owl, gray vireo, Rio Grande Chub, Rio Grande Cutthroat Trout, Rio Grande Sucker, Sangre De Cristo pea clam, Nokomis fritillary butterfly, cinereus (masked) shrew, water shrew, spotted bat, pale Townsend's big-eared bat, American pika, Gunnison's prairie dog, American martin, tufted sand verbena, Pagosa milk-vetch, Ripley's milkvetch, yellow lady-slipper, alpine



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larkspur, robust larkspur, small-head goldenweed, Pecos fleabane, Chama blazing star, and Arizona willow.

Species with a Determination of May Impact Individuals or Habitat, Not Likely to Trend Toward Listing or Loss of Viability:

N/A

Species with a Determination of Will Impact Individuals or Habitat, May Contribute Towards Listing or Loss of Viability:

N/A

Supporting Project Documentation

Table 4. Applicable project file documentation to support agency sensitive species compliance

Supporting Documentation	File Name(s) / Link
Carson National Forest Threatened, Endangered, Proposed, Candidate and Sensitive Species and Critical Habitats	CARSON NATIONAL FOREST (usda.gov)
Wildlife Documentation	116450_FSPLT3_5659210.pdf (usda.gov)

Special Management Areas (for example, Wilderness, Roadless, Wild and Scenic Rivers, etc.)

The project area does not occur within any special management areas.

National Historic Preservation Act – Section 106 Review

No historic properties affected - 36 CFR 800.4(d)(1). Section 106 Review has been completed for the project area and no National Register eligible cultural sites were found.

Comments

The area was previously surveyed in 1988 as part of a separate Special Use Permit. No cultural or historical sites were identified at the time. Further ground disturbing activities related to the maintenance of this waterline will occur in previously disturbed areas and will not cause adverse impacts to the surrounding areas. As there are no eligible properties within the area of potential effect, there is no need for further review of the project or consultation with SHPO per Region 3 programmatic agreement. Future connections would require further coordination with USFS archaeologist to ensure disturbance to any archaeological resources is avoided.

Supporting Project Documentation

Table 5. Applicable project file documentation to support National Historic Preservation Act compliance

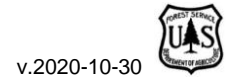
Supporting Documentation	File Name(s) / Link
Heritage Documentation	116450_FSPLT3_5660583.pdf (usda.gov)

Government to Government Consultation (EO 13175)

The responsible official identified the following regarding Government to Government consultation:



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No Tribal Governments to consult

Relevant Executive Orders

The responsible official determined the proposal complies with the following Executive Orders, which were deemed relevant based on the nature of the proposal.

EO 12898, Environmental Justice – identify and address disproportionately high and adverse effects on minority and low-income populations.

This project is intended for a Mutual Domestic Community Association waterline which will provide a reliable source of clean water for a small rural community.

EO 13443, Facilitation of Hunting Heritage and Wildlife Conservation – expand and enhance hunting opportunities.

This Executive Order is not necessary to consider based on the nature of the project. It will not impact hunting opportunities on National Forest System lands.



Extraordinary Circumstance Determinations

Pertinent specialists have reviewed the proposal and made the following determinations with regards to degree of effects for the resource conditions considered:

Table 6. Resource conditions considered for extraordinary circumstance determinations

Resource Conditions Considered for Extraordinary Circumstances	Is there a degree of potential effect that raises uncertainty over its significance? Briefly explain.
Federally listed threatened or endangered species, designated critical habitat, and Forest Service sensitive species	<p>Botany: N/A, not present Rationale for yes/no: This project does not occur in a special botanical area, or in an area where threatened, endangered, or sensitive botanical species occur or their habitat.</p> <p>Fisheries: N/A, not present Rationale for yes/no: This project does not occur near or a river, stream, or water body where fisheries exist.</p> <p>Wildlife: NO, there is no uncertainty Rationale for yes/no: Consideration and review for threatened, endangered, proposed, candidate, sensitive species, migratory birds and their habitats. This project is not likely to result in a trend toward Federal listing or a loss of viability for any of the analyzed species.</p>
Floodplains, wetlands, or municipal watersheds	<p>N/A, not present Rationale for yes/no: This project does not occur within a floodplain or wetland. The Land and Resource Management Plan for the Carson NF (1986) does not recognize any municipal watersheds within the forest boundary.</p>
Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas	<p>N/A, not present Rationale for yes/no: This project does not occur within a wilderness, wilderness study area, or national recreation area.</p>
Inventoried roadless areas	<p>N/A, not present Rationale for yes/no: This project does not occur within an inventoried roadless area.</p>
Research natural areas	<p>N/A, not present Rationale for yes/no: This project does not occur within a research natural area.</p>
American Indians and Alaska Native religious or cultural sites	<p>N/A, not present Rationale for yes/no: The area was previously surveyed in 1988 as part of a separate Special Use Permit. No cultural or historical sites were identified at the time. Further ground disturbing activities related to the maintenance of this waterline will occur in previously disturbed areas and will not cause adverse impacts to the surrounding areas. As there are no eligible properties within the area of potential effect, there is no need for further review of the project or consultation with SHPO per Region 3 programmatic agreement.</p>



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Resource Conditions Considered for Extraordinary Circumstances	Is there a degree of potential effect that raises uncertainty over its significance? Briefly explain.
Archaeological sites, or historic properties or areas	N/A, not present Rationale for yes/no: The area was previously surveyed in 1988 as part of a separate Special Use Permit. No cultural or historical sites were identified at the time. Further ground disturbing activities related to the maintenance of this waterline will occur in previously disturbed areas and will not cause adverse impacts to the surrounding areas. As there are no eligible properties within the area of potential effect, there is no need for further review of the project or consultation with SHPO per Region 3 programmatic agreement. Future connections would require further coordination with USFS archaeologist to ensure disturbance to any archaeological resources is avoided.

Agencies, Organizations and Persons Contacted

The responsible official contacted the following interested and affected agencies, organizations, and persons about this project.

This project was entered into the Planning, Administrative Reviews, and Litigation System (PALS) database on August 13, 2021, which is then posted to our public facing website for public awareness. No additional agencies, organizations, or persons were contacted about the project due to the limited scope and scale of the project. The infrastructure to be permitted is existing on the landscape.



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